

## **REMARKS/ARGUMENTS**

Claims 1-22 are now present in this application. No claims have been amended. Previously withdrawn claims 16-20 have been canceled herein. New claims 21-22 have been added herein.

### **1. Claim Rejections under 35 U.S.C. §102(a)**

Claims 1, 2, and 4-7 are rejected under 35 U.S.C. §102(a) as being anticipated by Japanese Design Registration No. D1172155.

Respectfully, the rejection of claims 1, 2, and 4-7 is believed to be improper. The patent D1172115 is devoid of any indication that the proportions are drawn to scale. In fact, Examiner seems to admit the figure is "obviously not drawn to scale." Examiner's argument thus hinges on an improper inference drawn from the figures about the quantitative relationship between the respective thicknesses of the porous walls adjoining corners of the first channels being comparable to the thickness of the porous walls adjoining the edges. Under existing precedent, it is established that patent drawings do not define the precise proportions of the elements shown therein and may not be relied on to show particular sizes if the specification is completely silent on the issue. See In re Wright, 569 F.2d 1124, 1127, 193 USPQ 332, 335 (CCPA 1977) ("Absent any written description in the specification of quantitative values, arguments based on measurement of a drawing are of little value."); In re Olson, 212 F.2d 590, 592, 101 USPQ 401, 402 (CCPA 1954). Examiner is also directed to the Manual of Patent Examining Procedure, Section 2125. Accordingly, it is impermissible to reject the present claims 1, 2 and 4-7 under 102(a) based upon D1172155 in that it does not show the claimed feature, i.e., that the respective thicknesses are comparable. Thus, respectfully, the rejection is improper and should be withdrawn. Furthermore, the present invention cannot be obvious in view of D1172155 either, in that the reference does not teach or suggest the desirability of this claimed feature.

### **2. Claim Rejections Under 35 U.S.C. §103(a)**

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Design Registration No. D1172155 in view of Montierth.

Respectfully, this rejection is also overcome. For the reasons given above, the primary reference (D1172155) does not teach or suggest the claimed feature, i.e., that the respective thicknesses of the side and corner wall portions being of comparable. Montierth does nothing to remedy this deficiency. Accordingly, the obviousness rejection is improper and should be withdrawn.

### **3. Allowable Subject Matter**

The Examiner is thanked for indicating that Claims 9-15 are allowed, and that Claim 3 would be allowed if rewritten in independent form. Regarding the term "bevel," Examiner is directed to applicant's Fig. 2C which describes item 220 as a "bevel."

**4. New Claims Added**

New claims 21-22 have been added herein. Claim 21 is dependent on claim 1 and is allowable for at least the reasons given above. Claim 22 is allowable because the prior art does not teach or suggest a honeycomb filter, comprising an array of interconnecting porous walls which define an array of first channels and second channels, the first channels being bordered on their sides by the second channels and having a larger hydraulic diameter than the second channels, the first and second channels having a square cross-section, with corners of the first channels having a shape including a fillet or a bevel such that the thickness of the porous walls adjoining corners of the first channels is in a range of about 0.8 to 1.2 times the thickness of the porous walls adjoining edges of the first and the second channels and wherein a ratio of the hydraulic diameter of the first channels to the hydraulic diameter of the second channels is in a range from 1.1 to 2.0.

**5. Conclusion**

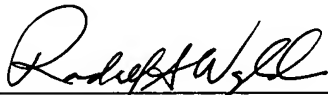
Based upon the above amendments, remarks, and papers of records, Applicants believe the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Applicants believe that no extension of time is necessary to make this Reply timely. Should Applicants be in error, Applicants respectfully request that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Randall S. Wayland at 607-974-0463.

Respectfully submitted,

Date: 3-15-05

  
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